

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF)	
TIDEWATER ENVIRONMENTAL SERVICES,)	
INC., FOR A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO PROVIDE)	
WASTEWATER SERVICES TO 178 PARCELS OF)	PSC DOCKET NO. 06-WW-001
LAND LOCATED ON THE SOUTH SIDE OF)	("COUNTRY GROVE")
BACONS ROAD, BETWEEN LAUREL AND)	
DELMAR, SUSSEX COUNTY, DELAWARE)	
(FILED JANUARY 6, 2006 AND AMENDED)	
MAY 22, 2006))	

ORDER NO. 6935

**CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
TO PROVIDE WASTEWATER SERVICES**

This 6th day of June, 2006, the Commission determines and Orders the following:

1. By the provisions of 74 Del. Laws ch. 317 (July 6, 2004), the General Assembly and Governor included wastewater systems within the public utilities subject to the regulatory oversight of this Commission. 74 Del. Laws ch. 317 (2004) (amending "public utility" definition in 26 Del. C. § 102(2)).

2. The law includes a specific regime for the granting of Certificates of Public Convenience and Necessity ("CPCN") to begin the business of a wastewater public utility or to extend the system and operations of an existing wastewater public utility. 74 Del. Laws ch. 317 § 6, adding 26 Del. C. § 203D. Under the statute, specifically 26 Del. C. § 203D(d)(2), the Commission shall grant a CPCN to an applicant if it has submitted a petition requesting wastewater services signed by a majority of the landowners in the proposed

service area, as well as the proof that all of the landowners in the proposed service area were notified of the application.

3. On February 22, 2005, by PSC Order No. 6573, the Commission adopted final *Regulations Concerning the Jurisdiction of the Public Service Commission to Grant and Revoke Certificates of Public Convenience and Necessity to Provide Wastewater Services* ("Regulations") which govern the process that non-governmental wastewater utilities serving, or planning to serve, fifty or more customers (in the aggregate) apply for and are granted a CPCN.

4. Tidewater Environmental Services, Inc. ("TESI") is a public utility offering wastewater services, and is subject to the regulatory oversight of this Commission. On January 6, 2006, TESI filed an application with the Commission requesting a CPCN to provide wastewater services to a parcel of land located on the south side of Bacons Road, between Laurel and Delmar, Sussex County, Delaware. This property had been the subject of an earlier CPCN application (PSC Docket No. 05-WW-004) filed by Country Grove Sanitation, Inc., in which the developer was applying for a CPCN to provide wastewater services to the property being developed as the community of Country Grove. On January 17, 2006, Country Grove Sanitation, Inc. filed a letter with the Commission withdrawing its wastewater CPCN Application, allowing Staff to proceed with the review of TESI's application.

5. As required by 26 Del. C. § 203D(d)(2), and Commission Regulations, TESI included in its application: (a) a petition requesting wastewater services signed by the owner of the parcel of

land comprising the proposed service area; and (b) evidence in the form of a United States Postal Service certified mail receipt showing that the landowner was sent notice of the CPCN application. A Sussex County tax map showing the proposed service area was also included with the application.

6. During review of the CPCN application, Staff found that the original parcel of land included in the application had been subdivided. Because the petition filed with the application included only the original parcel of land, Staff directed TESI to work with the landowner to determine the parcels of land that should be included in the approved CPCN area, and whether or not there had been a change of ownership of any of the new parcels. A new petition filed February 24, 2006 showed the original parcel was subdivided into 182 parcels of land, all of which were still owned by the original owner. Staff's examination of this revised parcel number listing found that four of these new parcels were not considered part of the community of Country Grove. TESI filed a revised petition dated May 16, 2006, showing 178 parcels of land, still under the same ownership as before. An amended parcel listing and site plan drawing was filed on May 22, 2006. Finally, since there was no change in ownership from the one parcel as opposed to the 178 parcels of land, Staff determined that no additional landowner notification would be required.

7. Pursuant to Commission Regulations, Staff notified the Division of Water Resources of the Delaware Department of Natural Resources and Environmental Control ("DNREC") of the Application. In its reply, DNREC indicated it had no objection to the Commission

granting the requested CPCN to provide wastewater treatment and disposal services for the 178 parcels of land.

7. Consequently, consistent with the statutory requirement, the Commission shall grant a CPCN to TESI to provide wastewater public utility services to the area described by the Sussex County tax map parcels numbers described in the application filed on January 6, 2006, and amended on May 22, 2006 in PSC Docket No. 06-WW-001.

Now, therefore, **IT IS ORDERED:**

1. That, pursuant to the provisions of 26 Del. C. § 203D(d)(2), a Certificate of Public Convenience and Necessity is granted to Tidewater Environmental Services, Inc., to provide wastewater public utility services to the area described by the Sussex County tax map parcels numbers shown in Exhibit "A" to this Order.

2. That Tidewater Environmental Services, Inc., shall comply with any and all federal, state, county, and local statutes, ordinances, orders, regulations, rules, and permit conditions that are applicable, or may become applicable, to any matter involving wastewater utility services provided to the service territory granted by this Certificate of Public Convenience and Necessity.

3. That the Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

/s/ Arnetta McRae
Chair

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/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Jeffrey J. Clark
Commissioner

Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary

E X H I B I T "A"

APPROVED SERVICE AREA
PARCELS WITHIN CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY

TIDEWATER ENVIRONMENTAL SERVICES, INC.
PSC DOCKET NO. 06-CPCN-001

SUSSEX COUNTY TAX MAP PARCELS NUMBERS

532-6.00-32.19	532-6.00-138	532-6.00-158
532-6.00-119	532-6.00-139	532-6.00-159
532-6.00-120	532-6.00-140	532-6.00-160
532-6.00-121	532-6.00-141	532-6.00-161
532-6.00-122	532-6.00-142	532-6.00-162
532-6.00-123	532-6.00-143	532-6.00-163
532-6.00-124	532-6.00-144	532-6.00-164
532-6.00-125	532-6.00-145	532-6.00-165
532-6.00-126	532-6.00-146	532-6.00-166
532-6.00-127	532-6.00-147	532-6.00-167
532-6.00-128	532-6.00-148	532-6.00-168
532-6.00-129	532-6.00-149	532-6.00-169
532-6.00-130	532-6.00-150	532-6.00-170
532-6.00-131	532-6.00-151	532-6.00-171
532-6.00-132	532-6.00-152	532-6.00-172
532-6.00-133	532-6.00-153	532-6.00-173
532-6.00-134	532-6.00-154	532-6.00-174
532-6.00-135	532-6.00-155	532-6.00-175
532-6.00-136	532-6.00-156	532-6.00-176
532-6.00-137	532-6.00-157	532-6.00-177

532-6.00-178	532-6.00-204	532-6.00-230
532-6.00-179	532-6.00-205	532-6.00-231
532-6.00-180	532-6.00-206	532-6.00-232
532-6.00-181	532-6.00-207	532-6.00-233
532-6.00-182	532-6.00-208	532-6.00-234
532-6.00-183	532-6.00-209	532-6.00-235
532-6.00-184	532-6.00-210	532-6.00-236
532-6.00-185	532-6.00-211	532-6.00-237
532-6.00-186	532-6.00-212	532-6.00-238
532-6.00-187	532-6.00-213	532-6.00-239
532-6.00-188	532-6.00-214	532-6.00-240
532-6.00-189	532-6.00-215	532-6.00-241
532-6.00-190	532-6.00-216	532-6.00-246
532-6.00-191	532-6.00-217	532-6.00-247
532-6.00-192	532-6.00-218	532-6.00-248
532-6.00-193	532-6.00-219	532-6.00-249
532-6.00-194	532-6.00-220	532-6.00-250
532-6.00-195	532-6.00-221	532-6.00-251
532-6.00-196	532-6.00-222	532-6.00-252
532-6.00-197	532-6.00-223	532-6.00-253
532-6.00-198	532-6.00-224	532-6.00-254
532-6.00-199	532-6.00-225	532-6.00-255
532-6.00-200	532-6.00-226	532-6.00-256
532-6.00-201	532-6.00-227	532-6.00-257
532-6.00-202	532-6.00-228	532-6.00-258
532-6.00-203	532-6.00-229	532-6.00-259

532-6.00-260	532-6.00-286
532-6.00-261	532-6.00-287
532-6.00-262	532-6.00-288
532-6.00-263	532-6.00-289
532-6.00-264	532-6.00-290
532-6.00-265	532-6.00-291
532-6.00-266	532-6.00-292
532-6.00-267	532-6.00-293
532-6.00-268	532-6.00-294
532-6.00-269	532-6.00-295
532-6.00-270	532-6.00-296
532-6.00-271	532-6.00-297
532-6.00-272	532-6.00-298
532-6.00-273	532-6.00-299
532-6.00-274	
532-6.00-275	
532-6.00-276	
532-6.00-277	
532-6.00-278	
532-6.00-279	
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